

CITY OF BELMONT
PLANNING COMMISSION

ACTION MINUTES

TUESDAY, OCTOBER 17, 2006 7:00 PM

Chair Parsons called the meeting to order at 7:00 p.m. at One Twin Pines Lane, City Hall Council Chambers.

1. ROLL CALL

Commissioners Present: Parsons, Horton, Frautschi, Mayer, Mercer, Wozniak
Commissioners Absent: McKenzie

Staff Present: Community Development Director de Melo (CDD), Recording Secretary Flores (RS).

2. AGENDA AMENDMENTS - None

3. COMMUNITY FORUM (Public Comments) - None

4. CONSENT CALENDAR

4A. Minutes of September 19, 2006

Commissioner Mercer noted that the Minutes did not reflect that the Public Hearing for Item 5A, Sidewalk Repair, was closed. This was not a Public Hearing but rather a New Business item.

MOTION: By Commissioner Frautschi, seconded by Vice Chair Horton, to accept the Action Minutes of Tuesday, September 19, 2006, with minor corrections as made by Commissioner Frautschi.

Ayes: Frautschi, Horton, Mayer, Mercer, Wozniak, Parsons
Noes: None
Absent McKenzie

Motion passed 6/0/1

5. NEW BUSINESS

5A. Request for Extension of Approval – 325 Old County Road

CDD de Melo summarized the staff memorandum, noting that the delay is a result of an easement consideration, and concluding that staff believes the findings for granting an extension until July 19, 2007 can be made in the affirmative.

Chair Parsons asked if the project will come back to the Commission if the configuration of the building changes. CDD de Melo responded that it would if it changes significantly, but the applicant has indicated that the building is going to get smaller and will have potentially no effect on the site plan or landscaping for the project, and they're going to keep the same design. They do not anticipate moving it any further than lobbing off a portion of the rear of the building in an attempt to meet the components of the easement.

Responding to Commissioner Frautschi's questions, CDD de Melo stated that 1) the concern with the easement is whether the sewer line is functioning and might be vacated by the City, and 2) since the property is flat, Planning staff is hopeful that the applicant will be able to obtain a grading permit after the October 15th grading moratorium. Both of these issues are being discussed with the Public Works Department.

MOTION: By Commissioner Frautschi, seconded by Vice Chair Horton, adopting the Resolution approving extension of the Conditional Use Permit and Design Review for 325 Old County Road (Appl. No. 2004-0080), with Exhibit A, Conditions of Project Approval, appended.

Ayes: Frautschi, Horton, Mayer, Mercer, Wozniak, Parsons

Noes: None

Absent: McKenzie

Motion passed 6/0/1

6. PUBLIC HEARINGS:

6A. PUBLIC HEARING – 3403 Beresford Avenue

To consider a Single Family Design Review to construct a 1,196 square-foot addition for an existing 1,905 square-foot single-family residence for a total of 3,101 square feet that is below the zoning district permitted 3,500 square feet for the site. (Appl. No. 2006-0035) (Continued from the July 18, 2006 Planning Commission Meeting).

APN: 043-093-110; Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)

Applicant: Ann Loklee

Owner: John Moy

CDD de Melo summarized the staff report, recommending approval of the Single-Family Design Review subject to the conditions of approval attached.

Commissioner Mercer asked for specifics on the mansard that surrounds the house and for a color board. CDD de Melo deferred the question about the mansard to the applicant and provided a color board that had been included with the July 18, 2006 staff report.

Commissioner Frautschi asked for clarification of the solar issue. CDD de Melo explained that AB 2473 specifically prohibits unreasonable restriction on the use of the solar energy system. If the place where they want to install it achieves the maximum amount of sun hours and the Commission determined that that location caused a bulk issue for the home, they may run into conflict with AB 2473. If there can be a compromise and the change in the amount of sun hours is negligible, then he believed they could meet the Commission's concerns on bulk and still comply with the statutes of AB 2473.

Ann Loklee, designer for the project, stated that the trim is a custom pvc piece that would be cream colored and go all the way around the house. It was intended to break up the mass of the building between the first and second floors. Since it is a custom design she could not refer the Commission to another home where the design could be viewed. It is one piece that is bent and would probably be a two-part assembly system with a gutter and the trim itself.

Discussion ensued regarding the proposed trim. Commissioners could not visualize the effect of the white pvc "ribbon" around the house, did not feel it would reduce the bulk and felt that it was an inappropriate material to use for a roof line. Chair Parsons wanted to see the structural details of the project and Commissioner Wozniak felt the problem could be solved if they had a more detailed rendering in color.

Chair Parsons opened the public hearing. No one came forward to speak.

Motion: By Commissioner Frautschi, seconded by Commissioner Horton, to close the public hearing. Motion passed.

Regarding the solar panels, Ms. Loklee stated that she had talked with solar consultants who found that the front (east) side of the house is the location to use the fewest amount of panels to collect the required energy to make the house run. Chair Parsons suggested that she obtain a second opinion because he found that the east side is the last place they should be in this area. Ms. Loklee noted that the side facing the garage does not have enough surface area because it is a smaller triangular piece and there is a large tree in the neighboring yard that would rob some of the lighting opportunities. Commissioner Frautschi stated that, if the consultant's recommendation is going to blatantly affect the design of the house, he would need to see the consultant's report explaining that that is what has to be done. Ms. Loklee agreed that the front of the house is not her first choice either; it was based on the consultant's findings. CDD de Melo summarized that if there is backup from the consultant that the amount of sun hours in the proposed location would be far more than any other location on the house, then the provisions of AB 2473 would trump, but if the amount of sun hours is about the same or slightly less in another location that would not contribute to the bulk, staff could work with the applicant.

Regarding the Landscape Plan, Commissioner Frautschi asked the applicant why the following instructions from the Planning Commission at the July 2005 meeting were not addressed: 1) elimination of the concrete area beside the driveway; 2) incorporation of some heritage trees into the landscape design rather than the proposed olive trees, which would not reduce the bulk of the house; 3) elimination of the junipers that are by the street, since they are a fire hazard.

Richard McPherson, landscape architect for the project, responded that he was given certain criteria, one of which was not that the tree chosen for the property was to be from a list of heritage trees. He selected the trees after looking at the heavy winds and fog in the area and, because of the views from the windows, it was decided not to choose a large tree that would mask the views. He was not familiar with a request to remove the Junipers and was approaching the Junipers from the standpoint they are very long-lived and healthy, and they stabilize the slope as they are now. To remove them and put something else in would destabilize the slope for a period of time; it is a challenging slope to start a new ground cover material. He would recommend Baccharis in place of the Juniper, which he believes is fire resistant. In terms of the paving, they reduced it as much as his client was interested in doing, as he wanted to maintain the left side of the property in paving because of the storage of a small boat on that side of the house.

Chair Parsons said that bulk was still an issue with him in that it didn't seem like anything had been done to reduce the bulk of the house, and he felt that the east and west length of the roof could be lowered – the 12:6 pitch is steep. He added that the bulk could be brought down even more if they brought the 2nd story ceiling down to 8' to match the first floor.

Commissioner Frautschi did not think the treatment trim adds anything – it makes the house look big and as if the upper floor has been added to. Regarding the landscape, he stated that some of the plants chosen are good but the Commission is trying to encourage more native plants in that area of town because they really do better there and felt that there is an opportunity to incorporate heritage trees without affecting the view from the north. Looking at the property from the driveway on the right, they could very easily be incorporated by the walk that goes into the house that would not interfere with the view and would actually create more privacy for the house. He would require that all of the parking and paving on the driveway be removed and would never vote for anything that would potentially create a parking pad for a utility vehicle.

Mr. McPherson clarified that he did not mean to suggest that they were planning to park a recreational vehicle in front; the owner would like access to a pad that is behind the fence off to the left of the house. Chair Parsons suggested the use of turf block. CDD de Melo added that there is a code section that states that paving for parking is not permitted by the City's zoning code and concurred that turf block would satisfy the objectives of the zoning code relative to paving for parking while still allowing Mr. Moy the opportunity to store his recreational vehicle out of the public's view.

CDD de Melo will work with Mr. McPherson on the list of heritage/protected trees.

Chair Parsons reiterated that he would not be able to approve the project since 1) the issue of bulk has not been adequately addressed, and 2) the treatment between the first and second floor.

In response to Commissioner Mayer's comment about the house next door, CDD de Melo stated that the Commission approved an extension for a 2nd floor addition in the 900' range.

Vice Chair Horton felt that if the applicant wants a steep roof they should have an 8' floor, or if they want a 9' floor they should have a lower roof pitch. It's not that they're exceeding the height limit – its makes the house top heavy. She also expressed concern about the shear value of the wall on the north elevation due to the size of the window.

Commissioner Wozniak emphasized that when they come back it would help if they could show the Commission what it is actually going to look like, including samples of the material.

CDD de Melo summarized the Commission's requirements as follows:

- Potential reduction in the height of the 2nd floor to 8'.
- Combination of a reduction of roof pitch in concert with taking the floor to ceiling from 9' to 8'.
- Better visual as to what the trim that breaks up the 1st and 2nd floors looks like.
- Removal of more paving along the side driveway and replacement with some sort of a turf block or alternative material.
- Revised landscape plan that incorporates substitution of heritage trees for Olive trees.
- Junipers can stay at applicant's discretion.
- Look at the design of the windows with regard to shear wall.
- Visual representation of where the solar panels will be placed.

MOTION: By Commissioner Wozniak, seconded by Commissioner Frautschi, to continue to a date uncertain for redesign of Application No. 2006-0035 at 3403 Beresford Avenue, with the conditions as noted previously.

Ayes: Wozniak, Frautschi, Mayer, Mercer, Horton, Parsons

Noes: None

Absent: McKenzie

Motion passed 6/0/1

7. REPORTS, STUDIES AND UPDATES

CDD de Melo provided the following verbal updates:

A. Motel 6 – 1101 Shoreway Road

The new security detail is in play 7 days a week and he hopes to have better information at the next meeting; this should give them 45 days of data relative to any sort of service calls to that facility. Staff is still working with the Finance Department on the aggregate TOT numbers from this facility relative to other facilities.

B. Chuck's Donuts – 641 Ralston Avenue

The agreement offered by the City Attorney's office has been signed and they have installed two trees at the front, two trees along the side and some additional landscape plantings along the frontage portion of the building. The agreement calls for irrigation; it is going to be of a hand-watering nature but there is a blanket condition that all of the landscaping has to be maintained in a clean, healthful condition, so that if the trees tend to go down after this 3-year period, regular maintenance can still be enforced.

C. \$2.50 Cleaners – 678 Ralston Avenue

The operator of this facility now has a copy of an administrative design review application, and had indicated that they would come in on Monday to pay the fees and file the application, but that did not happen, so staff is continuing to levy fines. They will continue to do this until it has to be turned over to the City Attorney for collection of the fines.

D. 2029 Mezes Avenue - Single-Family Design Review

This item was agendized in response to Commissioners' concerns expressed at the last meeting about the addition of three windows to an outdoor room at this property. CDD de Melo stated that the owner applied for a building permit to add the windows a few days after receiving a Certificate of Occupancy for a project that had been approved by the Commission in mid-2005. He explained that the second project was well within the floor area limits, it did not change the height of the home or significantly change the exterior

features of the 2nd floor, there were no setback issues and there were no parking upgrade issues because the home had a two-car garage and two-car driveway; it met all development standards and was entirely legal. He added that if they had asked to modify the original building permit to add the windows, staff would have said that this was not consistent with what the Commission had approved but they built the project in concert with the Commission-approved plans and associated building permits.

Certificate of Occupancy Notification – CDD de Melo reported that, consistent with the Commission's request at the previous meeting, staff will be notifying them by email either on Fridays or Mondays of the C of O's issued during the previous week.

E. Noise Ordinance Implementation

CDD de Melo attended a meeting the previous week with a number of the City's private and public schools. It was a "Safe Schools" meeting coordinated by the Police Department and one of the agenda topics was the implementation of the City's new noise ordinance. The schools now have a copy of the ordinance and are aware that City staff will be enforcing it. He clarified that there are certain types of activities where powered equipment is allowed to be used and technically it's only allowed to be used by residents or people that occupy a property. A contractor using powered equipment during a time period that's not allowed is a violation but there are some loopholes within the ordinance that allows powered equipment activity if it is done under guise of not needing a building permit. The NDNU is planning an event on October 24th; he and Sergeant Halleran plan to do some sound testing of the new decibel meters at that time to see how it plays with the current decibel maximums prescribed within the noise ordinance. He added that it is going to take some time to educate the institutions, police officers and Chief, Commission and Council so that everyone is on the same page. Chair Parsons stated that he wrote an article regarding the ordinance for his homeowner's association newsletter and suggested that others could do the same.

Responding to Commissioner Frautschi's questions, CDD de Melo

- agreed to provide a detailed update on the new Slope Density Ordinance at the next meeting;
- stated that there is nothing new to report on 905 South Road; and
- agreed to agendaize 2700 Monserat for a status report at the next meeting.

Vice Chair Horton and Commissioner Frautschi reported that Lunardi's Market and the Safeway on Alameda have boxes of pumpkins outside their stores. CDD de Melo agreed to check on the CUP for Lunardi's and will follow up with a code enforcement action at the Safeway.

Commissioners discussed some problems they are having with the new City email process, since they are unable to use the "reply all" and "forward" features. This will be discussed with the IT department.

CITY COUNCIL MEETING OF TUESDAY, OCTOBER 10, 2006

Liaison: Vice Chair Horton

Alternate Liaison: Commissioner McKenzie

8. ADJOURNMENT:

The meeting was adjourned at 9:14 p.m. to a regular meeting on Wednesday, November 8, 2006, at 7:00 p.m. at Belmont City Hall.